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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/901,014	07/10/2001	Wei-Sing Chu	2313-116	8862

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EXAMINER

YANG, NELSON C

ART UNIT PAPER NUMBER

1641

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

*mn*

**Office Action Summary**

Application No.

09/901,014

Applicant(s)

CHU, WEI-SING

Examiner

Nelson Yang

Art Unit

1641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 70 and 72-79 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 70 and 72-79 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Response to Amendment***

1. Applicant's amendment of claim 70, 72-75 is acknowledged and has been entered.
2. Applicant's cancellation of claim 71 is acknowledged and has been entered.
3. Claims 70, 82-79 are pending.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 70, 72-76 are rejected under 35 U.S.C. 102(b) as being anticipated by Stringer et al [US 5,105,392].

With respect to claim 70, 72, 73, Stringer et al teach a system comprising ultrasonic sensors (column 3, lines 55-65) and photocell sensor (column 6, lines 25-35) for measuring the dimensions of objects (column 4, lines 60-65), as well as a control unit with a CPU for controlling the sensors (column 11, lines 1-67).

6. With respect to claims 74-75, the sensors communicate with the control unit (column 11, lines 10-18).

7. With respect to claim 76, the ultrasound generator is controlled by the CPU (column 12, lines 1-50).

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8. Claims 70, 72, 73, 75-79 are rejected under 35 U.S.C. 102(b) as being anticipated by Delannoy et al [US 5,284,144].

With respect to claims 70, 72, 73, Delannoy et al teach a system comprising a HT applicator comprising piezoelectric applicators (transducer) that transmit ultrasound waves (column 8, lines 10-30), and a radiofrequency coil (generator) which permits the control of the amount of radiant energy transmitted by the HT applicator (column 4, lines 45-50) and a microcomputer (CPU) that regulates the output of the HT applicator (column 10, lines 60-65). Delannoy et al further teach MRI probes and standard probes (column 11, lines 25-36) for monitoring temperature. Delannoy et al also teach a power meter for monitoring forward and reflected power from the HT applicator (column 13, lines 23-30).

9. With respect to claims 75-76, the MRI probe measures temperature and feeds the information to the microcomputer and regulates the output of the HT applicator (column 10, lines 55-65).

10. With respect to claims 77-78, the HT applicator can generate ultrasound radiation of about 0.1 to 20 MHz (column 8, lines 25-30).

11. With respect to claim 79, the HT applicator can produce ultrasound of a power of up to 300 W (column 15, example 11).

### ***Response to Arguments***

12. Applicant's arguments with respect to claims 70, 72-79 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

No claims are allowed.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nelson Yang whose telephone number is (571) 272-0826. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long V. Le can be reached on (571)272-0823. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nelson Yang  
Patent Examiner  
Art Unit 1641

  
LONG V. LE  
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03/04/05